

Application No. 09/868978
After Final Office Action of March 8, 2006

NOV 09 2006

Docket No.: 08577-00033-US

REMARKS

Applicant respectfully requests reconsideration in view of the following remarks. Claims 1, 2 and 8-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The applicant respectfully traverses this rejection.

Comments to Interview

The undersigned and the Examiner had a telephone interview on November 9, 2006. The undersigned stated that the applicant's previous response submitted a copy of JAPANESE PATENT APPLN. HEI 10-125560. The undersigned stated that the terms that were questioned as new matter were supported in JAPANESE PATENT APPLN. HEI 10-125560. The Examiner suggested that the applicant resubmit their response. The Examiner apologized for not looking at the Japanese translation. The Examiner was not sure an extension would be required. The applicant authorizes the PTO to charge our Deposit Account No. 03-2775, under Order No. 08577-00033-US from which the undersigned is authorized to draw if an extension is required. The undersigned is not sure if a two month extension is required because of the circumstances.

As stated in the applicant's last amendment, the applicant has amended the specification to cite U.S. Patent No. 6,352,742 that claimed benefit to JAPANESE PATENT APPLN. HEI 10-125560. The applicant has previously submitted a translation of JAPANESE PATENT APPLN. HEI 10-125560. Support for amended claim 1 can be found in U.S. Patent No. 6,352,742 at col. 3, lines 11-13 and page 5, lines 7-11 of English translation of the JAPANESE PATENT APPLN. HEI 10-125560 which state,

Preferably, the polymer electrolyte is soluble to a solvent. Specifically, a solution preferably dissolves not less than 1 percent by weight of the polymer electrolyte and further preferably not less than 2 percent by

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weight. The features facilitates forming a uniform polymer electrolyte membrane without forming pores therein. (emphasis added)

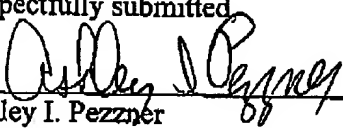
The Japanese patent is incorporated by reference. The applicant has support for the phrase "non-porous membrane" can be found in the Japanese Patent which was incorporated by reference. This is not new matter. For the above reasons, these rejections should be withdrawn.

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 08577-00033-US from which the undersigned is authorized to draw.

Respectfully submitted,

By


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